

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

JOEL WALLENDER,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

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) Case No. 3:05-cv-00263-JKS  
)  
)  
) **[PROPOSED]**  
) **ORDER TO CORRECT AN**  
) **INCORRECT FACTUAL**  
) **ASSUMPTION IN THE SUR-**  
) **REPLY AT DOCKET 31**  
)  
)  
)

The United States of America moved to correct statements in the sur-reply on the basis that they were incorrect. The government provided a Declaration of Mr. Zahn, the CoE employee to explain the error. The motion is well taken. The court will accept as true that Mr. Zahn was not the QC (“Quality Control”) person referred to in Exhibit J. The court will also accept as true that Mr. Mr. Zahn did not observe the safety violations regarding fall protection which were discussed in Exhibit J.

DATED: \_\_\_\_\_

\_\_\_\_\_  
JAMES K. SINGLETON  
U. S. DISTRICT COURT JUDGE